

Message Text

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ORIGIN L-03

INFO OCT-01 ARA-06 ISO-00 CPR-01 /011 R

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R 270153Z FEB 76
FM SECSTATE WASHDC
TO AMEMBASSY BUENOS AIRES

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E.O. 11652: N/A

TAGS: PFOR, PDIP, AR, US

SUBJECT: VIOLATION OF DIPLOMATIC IMMUNITY

REF: BUENOS AIRES 629

1. PARAONE REFTTEL REPORTED DETENTION OF VICE CONSUL RICHARD MARTIN BY BUENOS AIRES POLICE. THIS DETENTION ENTAILED BOTH ROUGH TREATMENT AND SEIZURE OF DIPLOMATIC IDENTIFICATION DOCUMENT. EMBASSY CITED SUCH TREATMENT AS APPARENT VIOLATION OF DIPLOMATIC IMMUNITY OF MARTIN.

2. DEPARTMENT FULLY CONCURS IN EMBASSY CONCLUSION THAT SUCH TREATMENT OF MR. MARTIN CONSTITUTES GROSS VIOLATION OF DIPLOMATIC IMMUNITY. UNDER ARTICLE 31 OF THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS, WHICH IS IN FORCE BETWEEN THE US AND ARGENTINA, A DIPLOMATIC AGENT ENJOYS FULL IMMUNITY FROM CRIMINAL JURISDICTION OF THE RECEIVING STATE. FURTHER, UNDER ARTICLE 29 OF THE CONVENTION, THE PERSON OF A DIPLOMATIC AGENT IS INVOLABLE AND HE IS NOT LIABLE TO ANY FORM OF ARREST OR DETENTION. THE LATTER ARTICLE FURTHER REQUIRES THE RECEIVING STATE TO TREAT A DIPLOMATIC

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AGENT "WITH DUE RESPECT" AND TO TAKE APPROPRIATE STEPS "TO

PREVENT ANY ATTACK ON HIS PERSON, FREEDOM OR DIGNITY." IT

APPEARS FROM THE EMBASSY REPORT THAT THE BUENOS AIRES POLICE NOT ONLY FAILED TO LIVE UP TO THEIR OBLIGATION TO TREAT MR. MARTIN WITH APPROPRIATE RESPECT BUT ALSO VIOLATED HIS DIPLOMATIC IMMUNITY BY TAKING HIM INTO CUSTODY AND BY DETAINING HIM NOTWITHSTANDING HIS PROOF OF DIPLOMATIC STATUS.

3. IF EMBASSY DOES NOT RECEIVE SATISFACTORY RESPONSE FROM FOREIGN MINISTRY, EMBASSY IS AUTHORIZED TO USE INFORMATION CONTAINED IN THIS CABLE AS BASIS FOR STRONGLY WORDED PROTEST TO THE MINISTRY. KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DIPLOMATIC PRIVILEGES, DETENTION, DIPLOMATIC PERSONNEL HARASSMENT
Control Number: n/a
Copy: SINGLE
Draft Date: 27 FEB 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: morefirh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE047636
Document Source: CORE
Document Unique ID: 00
Drafter: HFSHAMWELL:MFM
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760074-0337
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t1976024/aaaaactg.tel
Line Count: 74
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 BUENOS AIRES 629
Review Action: RELEASED, APPROVED
Review Authority: morefirh
Review Comment: n/a
Review Content Flags:
Review Date: 31 MAR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <31 MAR 2004 by CollinP0>; APPROVED <07 JUL 2004 by morefirh>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: VIOLATION OF DIPLOMATIC IMMUNITY
TAGS: PFOR, PDIP, AR, US, (MARTIN, RICHARD)
To: BUENOS AIRES
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006